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Civil Rights, Constitutional Law

Torres-Rivera v. Lozada-Crespo, No. 14-1297

In this interlocutory appeal arising from one of a number of cases in which Puerto Rican officials were displaced as a result of the November 2012 General Elections and thereafter brought suit for political discrimination and due process violations, the district court granted a preliminary injunction based on plaintiff's due process claim that, inter alia, vacated the appointment of his replacement and reinstated plaintiff. The case is remanded with instructions to vacate the preliminary injunction within thirty days of this opinion and for further proceedings, where: 1) since the district court issued its preliminary injunction, the Supreme Court of Puerto Rico has made clear the importance of these cases to the Commonwealth's own constitutional balance of powers, and the parties agree that the relief available under Commonwealth law is adequate here; and 2) as the parties not only fail to allege that Commonwealth law provides inadequate post-deprivation relief, but agree that Commonwealth remedies would be adequate, comity requires that this court declines to interfere on procedural due process grounds.

Criminal Law & Procedure, Sentencing

US v. Del-Valle-Cruz, No. 13-1050

Defendant pleaded guilty to one count of failing to register as a sex offender and was sentenced to twenty-one months in prison and seven years of supervised release, with various supervised release special conditions that prohibit him from contact with minors and require him to undergo sex offender treatment, conditions that were not imposed as part of defendant's sentence for the underlying sex offense. Importantly, these conditions were imposed in a boilerplate fashion, devoid of any explanation by the district court, and defendant has not been charged with any sex offenses in the eighteen years since his underlying 1997 sex offense conviction. A waiver of appeal bars defendant's appeal of his conviction, as well as his appeal of most of the special conditions, but the court declines to enforce the waiver as it applies to defendant's appeal of conditions that would interfere with defendant's relationship with his son, to avoid a miscarriage of justice. Those conditions that would prevent defendant from contact with, or residing with, minors is vacated and the case is remanded as to the supervised release term for de novo resentencing so that the district court can revisit the conditions and explain their justification.

Civil Rights

Santangelo v. New York Life Insurance Co., No. 14-1912

Plaintiff was a life insurance agent with defendant insurance company for more than forty years before his termination, and he now contends that he was an "employee" and that in firing him, defendant engaged in age discrimination in violation of both state and federal law. Summary judgment in favor of defendant on all claims is affirmed, where: 1) plaintiff's state law age discrimination claims were time-barred; 2) no reasonable jury could conclude that defendant engaged in age discrimination under federal law in terminating plaintiff's agent contract; and 3) no reasonable jury could conclude that the termination breached plaintiff's contract with defendant or violated any of his common law rights.